

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the construction of a Class B Office Building.

MAP 11/12 A
E. D. 2-4
DATE 5-4-87
230
1000
DP
N 44,170
W 240

Doris A. Heaver
87-180-XSPHA
W/S of York Rd., 225' S. of the centerline of York Rd. (1402 York Rd.)
S/S of Westbury Rd., 283' W. of the centerline of Westbury Rd. (1402 York Rd.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Doris A. Heaver
Signature (Type or Print Name)
Address (Type or Print Name)
City and State Signature

Attorney for Petitioner:
Hurst R. Hessey Suite 707, 1301 York Road 321-7501
(Type or Print Name) Address Phone No.
Signature Lutherville, Maryland 21093
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
1311 Fidelity Building
Address
Baltimore, Maryland 21201
City and State
Allan B. Heaver
Name
Attorney's Telephone No.: (301) 539-3300 Suite 707, 1301 York Road, Lutherville, Md 21093
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of September, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of November, 1986, at 10:00 o'clock

Carl J. Jahn
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/12/86
By [Signature]

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for business parking in a residential zone.

MAP 11/12 A
E. D. 2-4
DATE 5-4-87
230
1000
DP
N 44,170
W 240

Doris A. Heaver
87-180-XSPHA
W/S of York Rd., 225' S. of the centerline of York Rd. (1402 York Rd.)
S/S of Westbury Rd., 283' W. of the centerline of Westbury Rd. (1402 York Rd.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Doris A. Heaver
Signature (Type or Print Name)
Address (Type or Print Name)
City and State Signature

Attorney for Petitioner:
Hurst R. Hessey Suite 707, 1301 York Road 321-7501
(Type or Print Name) Address Phone No.
Signature Lutherville, Maryland 21093
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
1311 Fidelity Building
Address
Baltimore, Maryland 21201
City and State
Allan B. Heaver
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Carl J. Jahn
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/12/86
By [Signature]

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for Variance from Section 203.3.C. to permit a double-faced, freestanding illuminated sign containing 49.5 square feet in lieu of the required 8 square foot sign attached to the building.

MAP 11/12 A
E. D. 2-4
DATE 5-4-87
230
1000
DP
N 44,170
W 240

Doris A. Heaver
87-180-XSPHA
W/S of York Rd., 225' S. of the centerline of York Rd. (1402 York Rd.)
S/S of Westbury Rd., 283' W. of the centerline of Westbury Rd. (1402 York Rd.)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- The principal tenant of proposed building is O'Connor, Piper & Flynn. We feel a freestanding brick base sign, less than 25 square feet per face, is needed to properly identify their residential sales office.
- Sign to be similar in size and character to that permitted for adjacent office building "York Green".

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Doris A. Heaver
Signature (Type or Print Name)
Address (Type or Print Name)
City and State Signature

Attorney for Petitioner:
Hurst R. Hessey Suite 707, 1301 York Road 321-7501
(Type or Print Name) Address Phone No.
Signature Lutherville, Maryland 21093
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
1311 Fidelity Building
Address
Baltimore, Maryland 21201
City and State
Allan B. Heaver
Name
Attorney's Telephone No.: (301) 539-3300 Suite 707, 1301 York Road, Lutherville, Md 21093
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Carl J. Jahn
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/12/86
By [Signature]

IN RE: PETITIONS SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE W/S of York Road, 225' S of the centerline of Westbury Road (1402 York Road) and the S/S of Westbury Road, 283' W of the centerline of York Road (Rear of 1402 York Road) 9th Election District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 87-180-XSPHA

Doris A. Heaver, Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a Class B office building in an R-O Zone; a use permit for parking in a residential zone; and a variance to permit a double-faced, free-standing, illuminated sign totaling 49 1/2 square feet in lieu of the permitted 8 square foot sign attached to a building, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by her son, Alan Heaver, appeared and testified and was represented by Counsel. Brian Jones, a registered engineer, and Ruth Walker, past President of the Orchard Hills Improvement Association, also appeared on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, located on York Road, is "L"-shaped and is bifurcated by a zone line, with the front portion on York Road being zoned R-O and the rear portion on Westbury Road being zoned D.R.5.5. The Petitioner proposes to construct a 2 1/2-story office building, with 39 parking spaces on the R-O portion and 20 parking spaces on the D.R.5.5 portion. Mr. Jones testified that all of the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), will be satisfied.

The Petitioner and the Orchard Hills Community Association have entered into a Restrictive Covenant Agreement, dated October 31, 1986 and recorded

ORDER RECEIVED FOR FILING
Date 11/12/86
By [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 15, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 15, 1986.

TOWSON TIMES,
Susan Scuderi O'Connell
Publisher
46.75

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE
9th Election District
Case No. 87-180-XSPHA
LOCATION: West Side of York Road, 225 feet South from the Centerline of Westbury Road (1402 York Road); South Side of Westbury Road, 283 feet West of the Centerline of York Road (Rear of 1402 York Road)
DATE AND TIME: Monday, November 3, 1986, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Special Exception for a Class B office building.
Petition for Special Hearing for a use permit for off-street parking in a residential zone.
Petition for Zoning Variance to permit a double-faced, freestanding, illuminated sign totaling 49.5 square feet in lieu of the permitted 8 square foot sign attached to a building.
Being the property of Doris A. Heaver, as shown on plat plan filed with the Zoning Office.
In the event that the Petitioner is granted a building permit, the use shall be in accordance with the use permitted by the Zoning Regulations of Baltimore County.
BY ORDER OF
ARNOLD J. JARLOW
Zoning Commissioner of Baltimore County
10/19/86 Oct. 19

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 16, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 16, 1986.

THE JEFFERSONIAN,
Susan Scuderi O'Connell
Publisher
Cost of Advertising
30.25

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE
9th Election District
Case No. 87-180-XSPHA
LOCATION: West Side of York Road, 225 feet South from the Centerline of Westbury Road (1402 York Road); South Side of Westbury Road, 283 feet West of the Centerline of York Road (Rear of 1402 York Road)
DATE AND TIME: Monday, November 3, 1986, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Special Exception for a Class B office building.
Petition for Special Hearing for a use permit for off-street parking in a residential zone.
Petition for Zoning Variance to permit a double-faced, freestanding, illuminated sign totaling 49.5 square feet in lieu of the permitted 8 square foot sign attached to a building.
Being the property of Doris A. Heaver, as shown on plat plan filed with the Zoning Office.
In the event that the Petitioner is granted a building permit, the use shall be in accordance with the use permitted by the Zoning Regulations of Baltimore County.
BY ORDER OF
ARNOLD J. JARLOW
Zoning Commissioner of Baltimore County
10/19/86 Oct. 19

ORDER RECEIVED FOR FILING
Date 11/12/86
By [Signature]

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th
Date of Posting October 3, 1986
Posted for: Special Exception, Special Hearing, and Variance
Petitioner: Doris A. Heaver
Location of property: W/S of York Rd., 225' S from the centerline of York Rd. (1402 York Rd.) S/S of Westbury Rd., 283' W of the centerline of York Rd. (Rear of 1402 York Rd.)
Location of Sign: W/S of York Rd. in front of subject property
Remarks: [Signature]
Posted by [Signature]
Number of Signs: 3
Date of return: October 14, 1986

WHEREAS, the development of the Building on the Property requires a use permit for business parking in a residential zone on the .63 acre portion zoned DR5.5, and

WHEREAS, the erection and placement of a sign on the Property requires a variance, and

WHEREAS, the Association supports the development of the Property as contemplated by the Site Plan, and

WHEREAS, the Association represents the residents and property owners in the area affected by the development of the Property, and being so affected by the development of the Property, and being so affected, enters into this agreement for the purpose of protecting the property of such owners and residents by limiting the use of the Property, and

WHEREAS, the Owner and the Association desire to place certain restrictions and conditions upon the Property as provided by this Agreement.

NOW THEREFORE, in consideration of the mutual agreements, covenants, restrictions and conditions contained in this Agreement, and other good and valuable consideration, the receipt of which is acknowledged, the Parties agree as follows.

1. Recording. This Agreement shall be recorded among the Land Records of Baltimore County.

ORDER RECEIVED FOR FILING
Date January 1, 1986
By John P. Lough

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(e) The exterior finish of the Building shall be predominantly brick, with wood and metal trim. The brick shall be a shade of red, in keeping with Federal or Colonial Williamsburg style.

(f) Vehicular means of ingress and egress to the Property shall be limited to York Road and shall be generally as shown on the Site Plan. There shall be no access through the Buffer Zone.

(g) Site lighting shall consist of appropriate fixtures on poles not to exceed 15 feet in height and architectural lighting on the Building in conformity with RO zoning regulations. Site lighting shall be of Colonial style, if feasible.

(h) Storm water management facilities shall be designed and constructed in accordance with applicable State and County regulations or directed into the present storm water management facility located on the property known as York Green, as may be directed by the Baltimore County Department of Public Works.

(i) The portion of the DR5.5 tract that is not used for business parking shall be used in the future, if at all, only for residential purposes, which shall include the construction of a single family dwelling.

ORDER RECEIVED FOR FILING
Date January 1, 1986
By John P. Lough

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maximum height of the Building, (ii) location of means of ingress and egress to the Property, (iii) maximum square footage of the Building, (iv) the maintenance of the Buffer Zone, and (v) the use of the remaining (i.e., that portion not used for business parking) DR5.5 tract for residential purposes.

5. Duration of Restrictions. The parties agree that the restrictions, covenants and agreements contained in this Agreement shall expire, without the necessity of any actions on the part of any party or other entity, (i) in any event, upon the expiration of thirty (30) years from the date of this Agreement; (ii) if the Association shall dissolve and cease to exist for a period of at least ninety (90) days, and no successor or assign is duly appointed or designated by the Association within such ninety (90) day period and (iii) if Owner shall not have obtained a building permit, for any reason whatsoever, for the construction of the Building contemplated by this Agreement within one (1) year from the date of this Agreement.

6. Covenants Running With the Land, Successors and Assigns. The parties agree that the covenants, restrictions, and conditions contained in this Agreement shall run with and be binding on the Property upon recording in the Land Records of Baltimore County and shall inure to the benefit of the heirs, successors and assigns of the parties and all persons claiming by or through them or any of them.

ORDER RECEIVED FOR FILING
Date January 1, 1986
By John P. Lough

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STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 31st day of October, 1986, before me, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Doris A. Heaver, Owner of 1402 York Road, and she acknowledged the foregoing Agreement to be her act and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

James E. Dyer
Notary Public

My Commission Expires:

7/1/90

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 31st day of October, 1986, before me, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Ann Siegmund, who acknowledged herself to be the President of Orchard Hills Community Association, Inc., a corporation, and that she, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as President.

AS WITNESS my hand and Notarial Seal.

James E. Dyer
Notary Public

My Commission Expires:

7/1/90

ORDER RECEIVED FOR FILING
Date January 1, 1986
By John P. Lough

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2. Restrictions on Development. (a) The Building, sidewalks, walkways, and parking lot areas to be constructed on the Property shall be located generally in accordance with the Site Plan attached as Exhibit A. The cross-hatched area on the Site Plan designated "Buffer Zone" shall serve as a 75 foot wide buffer strip between the business parking use on the DR5.5 tract and the residential lots to the west. Ownership of the Buffer Zone shall be retained and maintained by the Owner, or her successors or assigns as part of the proposed office building project on the Property. The present plantings in the Buffer Zone shall be maintained "as is" where feasible. If any plantings have to be removed due to construction, Owner agrees to restore the plantings in accordance with the Baltimore County Landscape Manual dated May 7, 1984.

(b) The Building shall be of a Federal or Colonial Williamsburg architectural design.

(c) The maximum gross leasable area of the Building shall be 18,000 square feet plus additional square footage necessary for non-leasable areas such as lobby areas, stairwells, elevators, equipment rooms, storage areas and the like.

(d) The height of the Building shall be as permitted under the R-O zoning classification and shall not exceed three stories.

ORDER RECEIVED FOR FILING
Date January 1, 1986
By John P. Lough

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(j) Site shall be landscaped in accordance with the Baltimore County Landscape Manual, dated May 7, 1984.

3. Cooperation of Association. The Association agrees to support the Owner in obtaining necessary Baltimore County approvals for (i) the construction and placement of a free standing double faced sign, the dimensions of which shall not exceed twenty five (25) square feet per face, (ii) the construction of the Building, (iii) the provision of business parking in the DR5.5 zoned tract, and (iv) the obtaining by owner of such necessary permits and governmental authorizations as are required to complete the contemplated development of the Property.

4. Changes in Site Plan. The parties recognize that changes in the Site Plan may be required as a result of the zoning approval process, the County Review Group process, and the process of obtaining required building and site permits for the development of the Property. To the extent that any non-material changes are required by the governmental entities administering any of these processes, the parties agree to such changes notwithstanding the fact that the terms of this Agreement provide otherwise; however, any change which materially changes the Site Plan shall be subject to the approval of the Association, which approval shall not be unreasonably withheld. Notwithstanding the provisions of this Paragraph 4, the parties agree that no change shall be made to the provisions of this Agreement concerning (i)

ORDER RECEIVED FOR FILING
Date January 1, 1986
By John P. Lough

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7. No Waiver; Severability. The failure of either party to enforce any of the covenants, restrictions and conditions contained in this Agreement shall not constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto. If any one or more of the covenants, restrictions and conditions contained in this Agreement should for any reason be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

8. Entire Agreement. This Agreement contains the entire understanding between the parties and may only be amended by the written agreement of the Owner, her heirs, personal representatives or assigns, and a duly authorized officer of the Association, or its successors or assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESS:

James E. Dyer

Doris A. Heaver, Owner

ATTEST:

Ann Siegmund

ORCHARD HILLS COMMUNITY ASSOCIATION, INC.
By: Ann Siegmund
Ann Siegmund, President

ORDER RECEIVED FOR FILING
Date January 1, 1986
By John P. Lough

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87-180-KSPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
12th day of September, 19 86

Arnold Paston
Zoning Commissioner

Petitioner Doris A. Heaver
Petitioner's Attorney HURST R. HESSEY, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

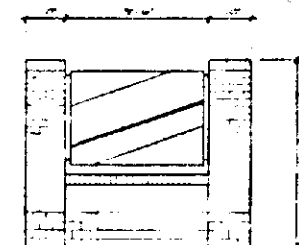


VICINITY MA
KAL: 200

NAME	DATE	PERIOD
NAME _____	_____	_____
STUDENT NUMBER _____	_____	_____
COURSE TITLE _____	_____	_____
DATE OF ENTRY _____	_____	_____
COMPLAINT _____	_____	_____
SYMPTOM _____	_____	_____
ANALYSIS RESULT _____	_____	_____
NOTE _____	_____	_____
REMARK _____	_____	_____
DATE _____	_____	_____
OTHER _____	_____	_____

65444-521

- [illegible]



SIGN - FRONT ELEVATION
NOT TO SCALE

Date November 7, 1984
By Stark L. Loring

	APPLICANT	PROJECT		HITNEY CONSULTING ENGINEERS MAILEY COX AGNANI	DATE OCT 19 1960
DORIS A HEAVER SUITE 707, HEAVER PLAZA 1501 YORK ROAD LUTHERVILLE MD 21093 SOI-321-7501	HEAVER PROPERTIES SUITE 707, HEAVER PLAZA 1501 YORK ROAD LUTHERVILLE MD 21093 SOI-321-7501	RESTRICTIVE COVENANT AGREEMENT 2½ STORY OFFICE BUILDING SITE PLAN - EXHIBIT "A"		185C York Road Pawcatuck ME 02963 SOI-252-4360	COPYING NOTED

property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

The use of the terms "use permit" and "special exception" are intended to be interchangeable and the import of either is the same. See Hofmeister v. Frank Realty Co., 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1

It is also clear that the BCZR permits parking in a residential zone by special permission and that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must also be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

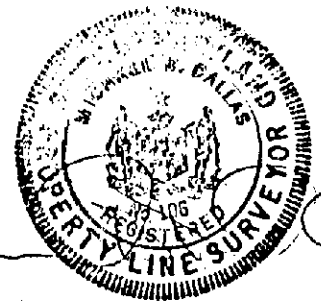
It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

Michael B. Dallas
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Maryland 21204
Phone: 301-494-0020

ZONING DESCRIPTION-Special Exception for Class B Office Bldg. in a R-O Zone
Heaver Property-1402 York Road
BEGINNING for the same on the westernmost side of York Road (66 feet wide) at a point distant 225 feet southerly from the centerline of Westbury Road (50 feet wide) thence leaving said road and running South 68 degrees 24 minutes 50 seconds west 250.00 feet to the division line between DR 5.5 and R-O Zoning, thence binding on said division line South 21 degrees 35 minutes 10 seconds east 58.36 feet, thence leaving said division line and running South 84 degrees 50 minutes 10 seconds east 285.15 feet to said westernmost side of York Road, thence binding on said road North 21 degrees 35 minutes 10 seconds west 195.52 feet to the place of beginning.

CONTAINING 0.73 acres of land more or less.

August 11, 1986



NOTE: The above description prepared from plats, deeds and record drawings only. It does not constitute a current outline survey and is for zoning purposes only.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
W/S of York Rd., 225' S from
C/L of Westbury Rd. (1402
York Rd.); S/S of Westbury Rd.
283' W of C/L of York Rd. (rear
of 1402 York Rd.), 9th District

DORIS A. HEAVER, Petitioner Case No. 87-180-XSPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 29th day of September, 1986, a copy of the foregoing Entry of Appearance was mailed to Hurst R. Hessey, Esquire, 1311 Fidelity Bldg., Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Hurst R. Hessey, Esquire
1311 Fidelity Building
Baltimore, Maryland 21201

September 19, 1986

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE
W/S of York Rd., 225' S from the c/l of Westbury Rd. (1402 York Rd.); S/S of Westbury Rd., 283' W of the c/l of York Rd. (rear of 1402 York Rd.)
9th Election District
Doris A. Heaver, CASE NO. 87-180-XSPHA

TIME: 10:00 a.m.

DATE: Monday, November 3, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 025675

DATE	ACCOUNT
AMOUNT \$	
RECEIVED FROM	
FOR	
VALIDATION OR SIGNATURE OF CASHIER	

you have not signed the Petitions and in this case, Please make Office before the date of the thank you.

ORDER RECEIVED FOR FILING
Date 10/1/86
By [Signature]

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE

9th Election District

Case No. 87-180-XSPHA

LOCATION: West Side of York Road, 225 feet South from the Centerline of Westbury Road (1402 York Road); South Side of Westbury Road, 283 feet West of the Centerline of York Road (rear of 1402 York Road)

DATE AND TIME: Monday, November 3, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Exception for a Class B office building

Petition for Special Hearing for a use permit for off-street parking in a residential zone

Petition for Zoning Variance to permit a double-faced, freestanding, illuminated sign totaling 49.5 square feet in lieu of the permitted 8 square foot sign attached to a building

Being the property of Doris A. Heaver, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

October 28, 1986

Hurst R. Hessey, Esquire
1311 Fidelity Building
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE
W/S of York Rd., 225' S from the c/l of Westbury Rd. (1402 York Rd.); S/S of Westbury Rd., 283' W of the c/l of York Rd. (rear of 1402 York Rd.)
9th Election District
Doris A. Heaver
Case No. 87-180-XSPHA

Dear Mr. Hessey:

This is to advise you that \$122.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

By [Signature], more County, Maryland, and remit Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 025601

DATE	Nov. 3, 1986	ACCOUNT	01-615
AMOUNT \$	122.00		
RECEIVED FROM	Steven G. Heaver		
FOR	Posting & Advertising 87-180-XSPHA		
	Doris A. Heaver, Petitioner		
VALIDATION OR SIGNATURE OF CASHIER			

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: October 15, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 87-180-XSPHA

This office is not opposed to the granting of the subject request; the 75' buffer zone and the lack of access to Westbury Road are particularly pleasing. Consideration should be given, however, to the provision of access between this property and the York Green office development to the south. Further, provision should be made for a similar tie to the property to the north in the event that property is rezoned and developed for non-residential use.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

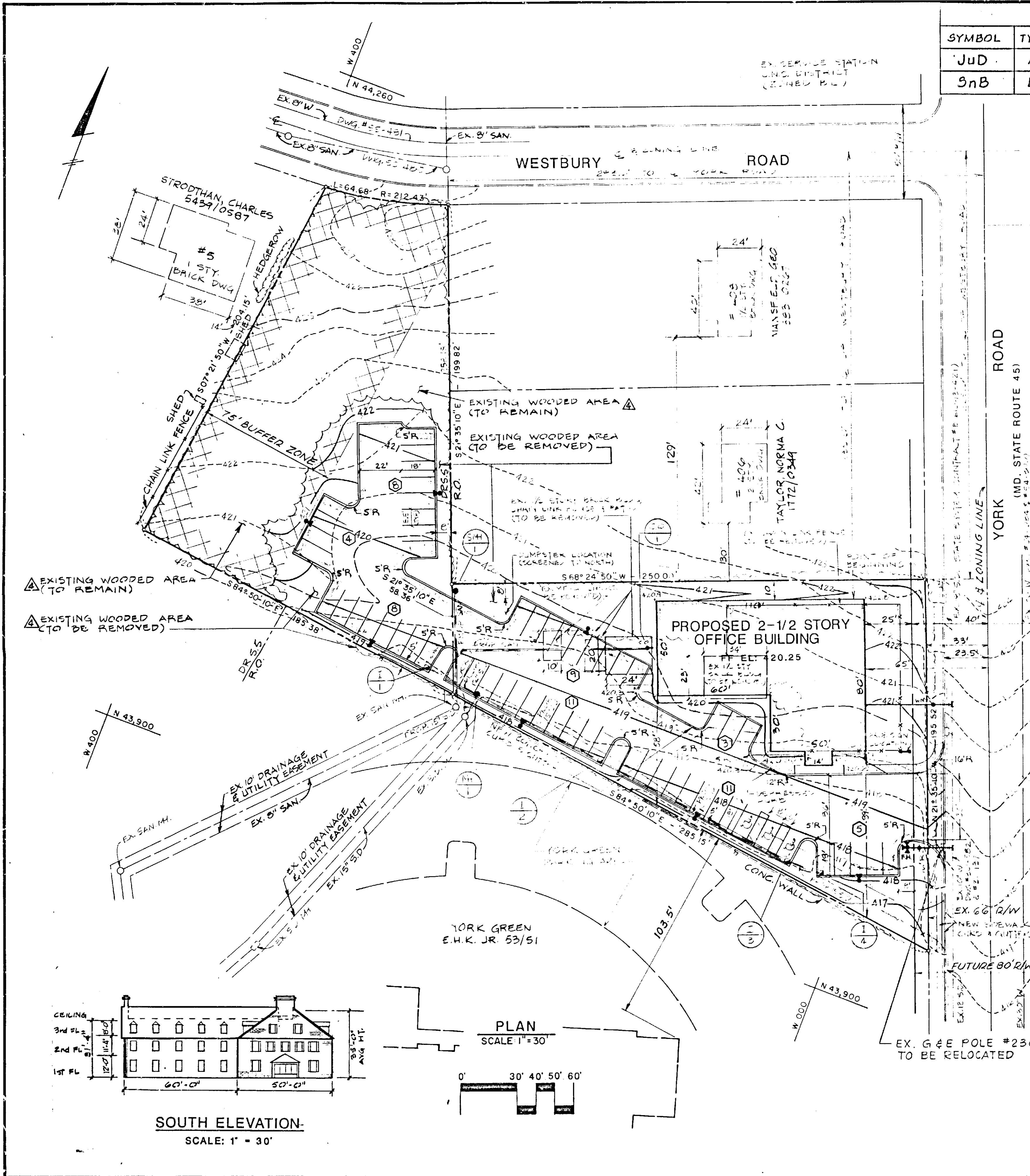
RECEIVED
OCT 16 1986
ZONING OFFICE

ORDER RECEIVED FOR FILING
Date 10/1/86
By [Signature]

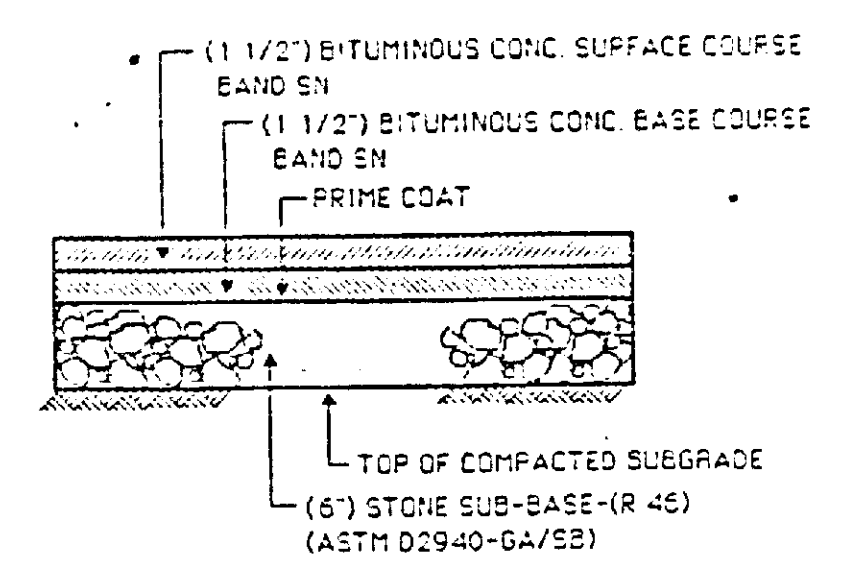
AJ/orl

cc: Hurst R. Hessey, Esquire

People's Counsel



SYMBOL	TYPE	SERIES	HOMES WITH OR WITHOUT BASEMENTS	STREETS AND PARKING LOTS
JuD	A	JOPPA-URBAN LAND COMPLEX	SLIGHT TO MODERATE SLOPE	SEVERE SLOPE
SnB	B	SASSAFRAS-URBAN LAND COMPLEX	SLIGHT	MODERATE SLOPE



BITUMINOUS PAVING

GENERAL SITE DATA

- GROSS SITE AREA: 1.53 ACRES. NET SITE AREA: 1.35 ACRES
- DEED REFERENCE: DORIS A. HEAVER, 6024/492-494 & 6112/719
- PROPERTY NUMBER: 09-18-00011195, 09-18-00011195, 09-05-000900
- ZONING: R-O-.72 ACRE (NET), .88 ACRE (GROSS); DR 5.5-.63 ACRE (NET), .65 ACRE (GROSS)
- ELECTION DISTRICT: 9TH
- COUNCILMANIC DISTRICT: 4TH
- CENSUS TRACT: 4088
- WATERSHED: 24
- SUBWERSHED: 57
- AVERAGE DAILY (ADT): 17,780 X 12.30/1000 SF = 218.7
- PROPOSED CLASS 'B' OFFICE BUILDING
AVERAGE HEIGHT: 35 FEET
MAXIMUM NUMBER OF EMPLOYEES: 30-60
- PROPERTY SERVED BY MTA BUS ROUTES:
WEEKDAYS: 8B, 9, 18 & 26
WEEKENDS: 9
- OPEN SPACE DATA:
RO ZONE:
AMENITY OPEN SPACE REQUIRED: 25%
AMENITY OPEN SPACE PROVIDED: 32670 SF - NET SITE AREA
22233 SF - TOTAL BLDG./PAVING/NON-ALLOWABLE AREA
9312 SF - TOTAL AMENITY OPEN SPACE

AMENITY OPEN SPACE RATIO: 9312SF/17,780 SF = 52.4%
DR 5.5 ZONE:
NOT APPLICABLE. NO PROPOSED BUILDING IN DR 5.5 ZONE

- PARKING SPACE DATA:
PARKING REQUIRED - CLASS 'B' OFFICE BUILDING
7000 SF OF 1ST FL. @ 1 SPACE/300 SF = 23
7000 SF OF 2ND FL. @ 1 SPACE/300 SF = 14
3780 SF OF 3RD FL. @ 1 SPACE/300 SF = 8
TOTAL REQUIRED (INCL. 3 HC SPACES) 45

- PARKING PROVIDED - MEDICAL OR DENTAL OFFICE BUILDING
7000 SF OF 1ST FL. @ 1 SPACE/300 SF = 23
7000 SF OF 2ND FL. @ 1 SPACE/300 SF = 23
3780 SF OF 3RD FL. @ 1 SPACE/300 SF = 13
TOTAL REQUIRED (INCL. 3 HC SPACES) 59

PARKING PROVIDED:	R.O.	DR 5.5
STANDARD SPACES (8.5' X 18')	36	20
HANDICAP SPACES (12' X 18')	5	0
	39	20 = 59

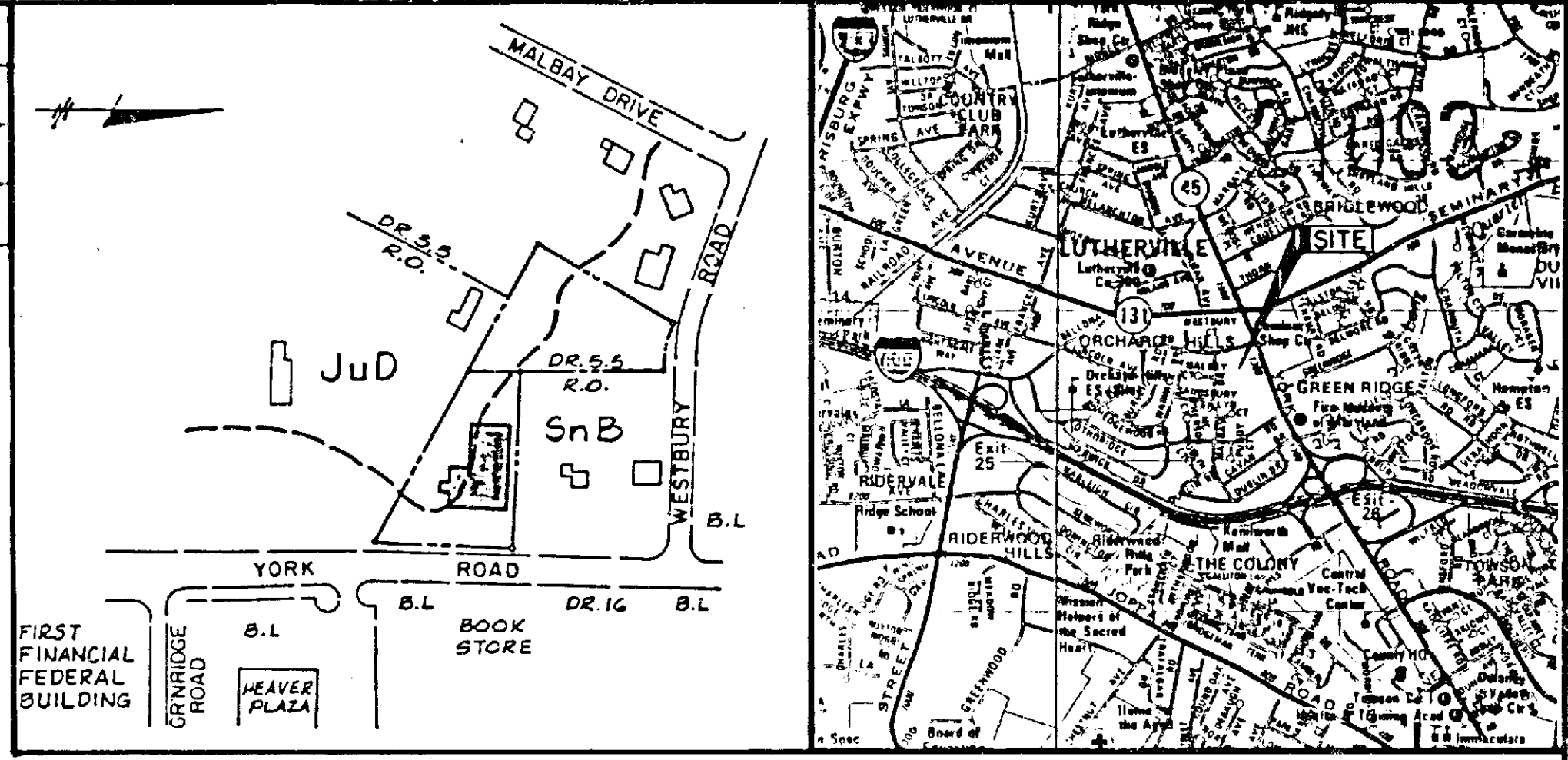
- FLOOR AREA RATIO:
FLOOR AREA RATIO ALLOWED: .50 X .88 AC. = .44 AC. = 15166.4 SF
FLOOR AREA RATIO PROPOSED: TOTAL ADJ. GROSS FLOOR AREA/GROSS SITE AREA: 17,780/38535 = 46.1%

- LANDSCAPE PLANTING DATA:
PLANTING REQUIRED:
265 LF OF ROAD @ 1 TREE/40LF
59 PARKING SPACES @ 1 TREE/12 SPACES
TOTAL TREES REQUIRED 7 TREES
5 TREES
12 TREES

SPECIAL VARIANCE:
A DOUBLE-FACED, FREE-STANDING ILLUMINATED SIGN CONTAINING 24.75 SF IN LIEU OF REQUIRED 8 SF ATTACHED TO BUILDING 203.3(C). (49.5 SF - BOTH SIDES) A

SPECIAL HEARING:
OFFICE PARKING IN RESIDENTIAL ZONE - 409.4

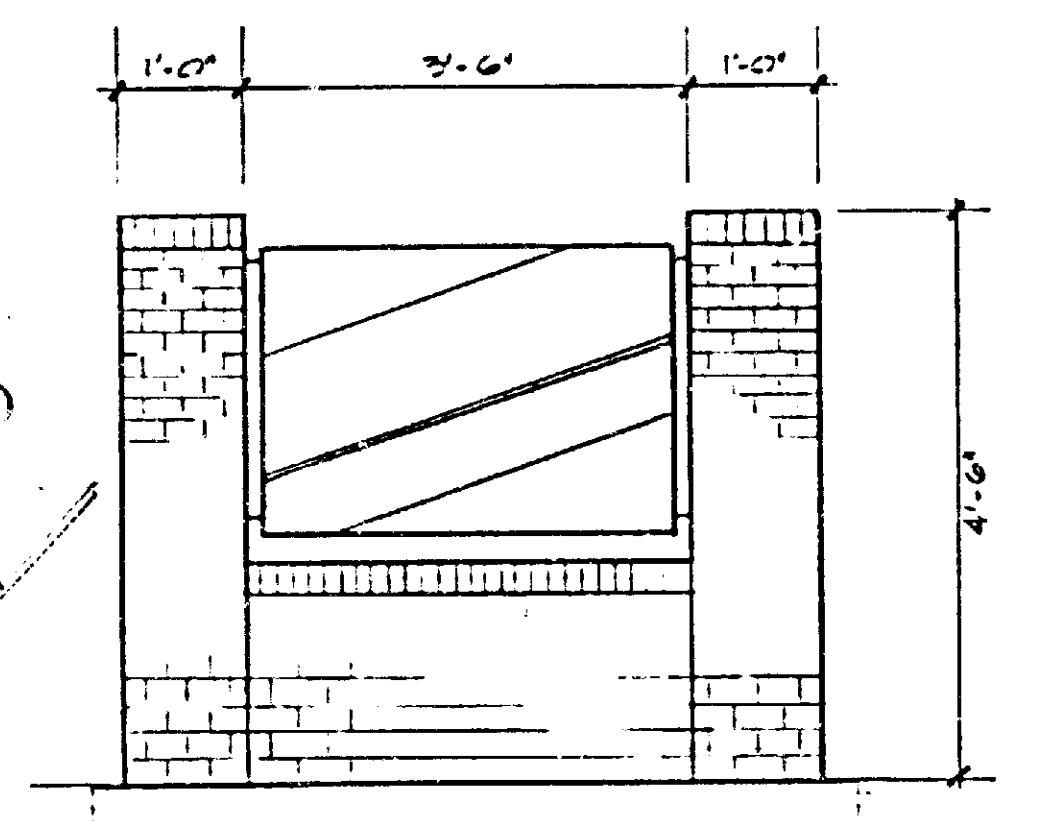
SPECIAL EXCEPTION:
CLASS B OFFICE IN R-O ZONE-203.3(B)(2)



LEGEND	EXISTING	PROPOSED
BUILDING		
BITUMINOUS PAVING		
CONCRETE PAVING		
CURB & GUTTER		
CONTOURS	418	418
STORM DRAIN		
SANITARY SEWER		
WATER		
FENCE		
LIGHT		
POWER POLE		

GENERAL NOTES

- BENCH MARK: BALTIMORE COUNTY HUB NO. 11244 'A' ELEVATION 401.692
- THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, WETLANDS, ENDANGERED SPECIES HABITATS, HAZARDOUS MATERIAL SITES, OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON THIS PLAN.
- ALL DISTURBED AREAS WHICH ARE NOT PAVED OR PLANTED IN ACCORDANCE WITH THE PLANTING PLAN SHALL BE SEEDING AND MULCHED.
- ON SITE CURBS SHALL BE CONSTRUCTION CURBS AND GUTTER IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD D.21.(TYPE 'M')
- BITUMINOUS PAVING SHALL CONSIST OF:
1 1/2" BIT. CONC. SURFACE COURSE, BAND 'H'
1 1/2" BIT. CONC. BASE COURSE, BAND 'H'
6" STONE SUB-BASE - (R.O.) (ASTM D2940-64/53)
- LIGHTING FOR PARKING AREAS SHALL BE POLE MOUNTED AND NOT TO EXCEED 15 FEET TALL. LIGHTS SHALL BE DARK IN COLOR AND NO MORE THAN EIGHT (8) FEET TALL.
- STORM WATER MANAGEMENT REQUIREMENTS FOR THIS PROJECT HAVE BEEN WAIVED BY THE CHIEF, BALTIMORE COUNTY DPW ON OCTOBER 21, 1998 UNDER SECTION 2-150.3 (C)(2) WAIVERS.
- THIS SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL, 1994, FOR R-O ZONES

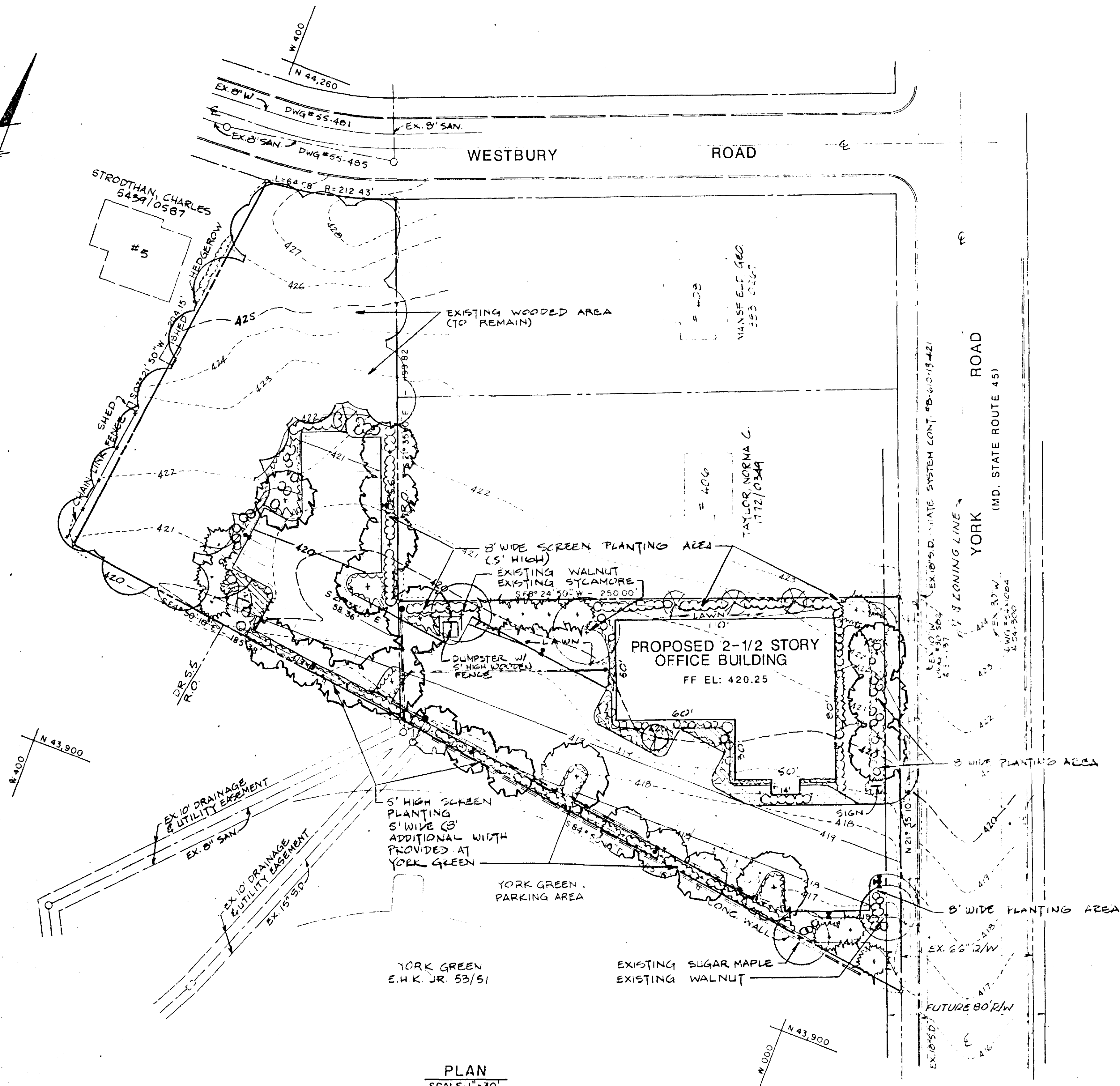
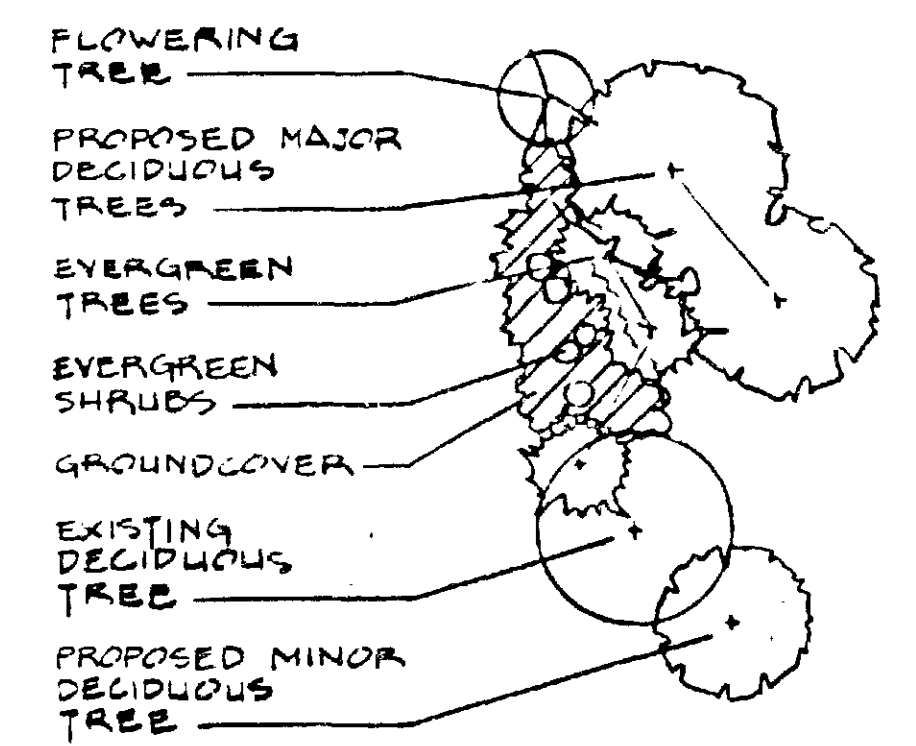


OWNER: DORIS A. HEAVER SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501	APPLICANT: HEAVER PROPERTIES SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501	PROJECT: SITE PLAN 1402 YORK ROAD 2 1/2 STORY OFFICE BUILDING (PLAT TO ACCOMPANY PETITION FOR ZONING HEARING)	 WHITNEY MAILEY CONSULTING ENGINEERS 1850 York Road Timonium Md. 21093 301-252-6060 DESIGNED: B.C.L. DRAWN: B.C.L. CHECKED: B.D.J. DATE: 10-22-86 SCALE: 1" = 30' WBCN NO 86073	BY NO	REVISION	DATE	DATE	JOB NO.
				BCL	1	ADDED DEVELOPMENT NAME	10-30-86	DRAWING NO. ZP-1
BCL	2	INDICATED CURB TYPE ("A")	10-30-86					
BCL	3	CLARIFIED SQ FOOTAGE OF PROP SIGN	10-30-86					
BCL	4	SHOWED LIMITS OF WOODS TO REMAIN	10-30-86					



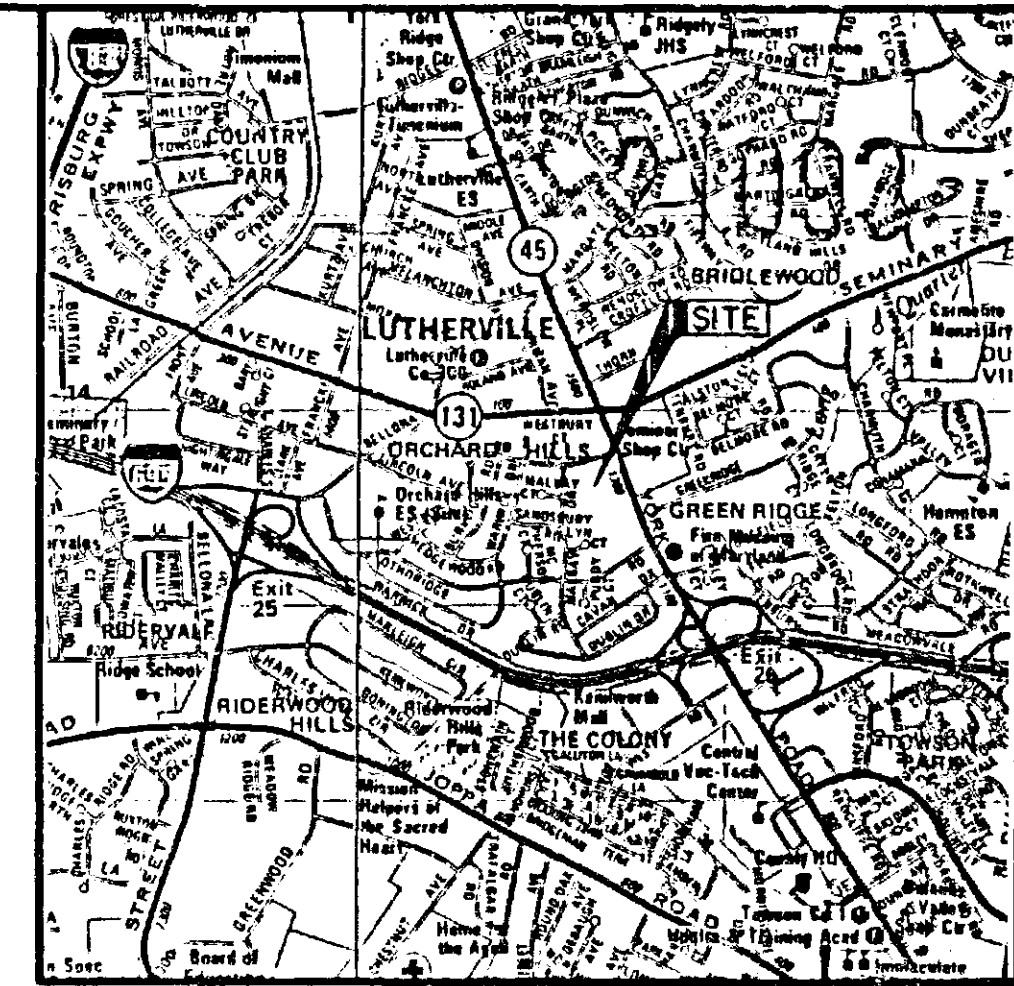
VICINITY MAP
SCALE 1"=2000'

LEGEND	EXISTING	PROPOSED
BUILDING		
BITUMINOUS PAVING		
CONCRETE PAVING		
CURB & GUTTER		
CONTOURS		
STORM DRAIN		
SANITARY SEWER		
WATER		
FENCE		
LIGHT		



PLAN
SCALE 1"=30'

OWNER: DORIS A. HEAVER SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501	APPLICANT: HEAVER PROPERTIES SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501	PROJECT: SCHEMATIC PLANTING PLAN 1402 YORK ROAD 2 1/2 STORY OFFICE BUILDING (PLAT TO ACCOMPANY PETITION FOR ZONING HEARING)	 <i>David C. Lyons</i> 10-31-86	HITNEY AILEY OX MAGNANI CONSULTING ENGINEERS 1850 York Road Timonium Md 21093 301-252-6060 DESIGNED: B.C.L. DRAWN: B.C.L. CHECKED: B.D.J. DATE: 10-30-86 SCALE: 1"=30' ABCM NO 86073	BY	NO	REVISION	DATE	DATE	JOB NO.
					DRAWING NO. ZP-2					



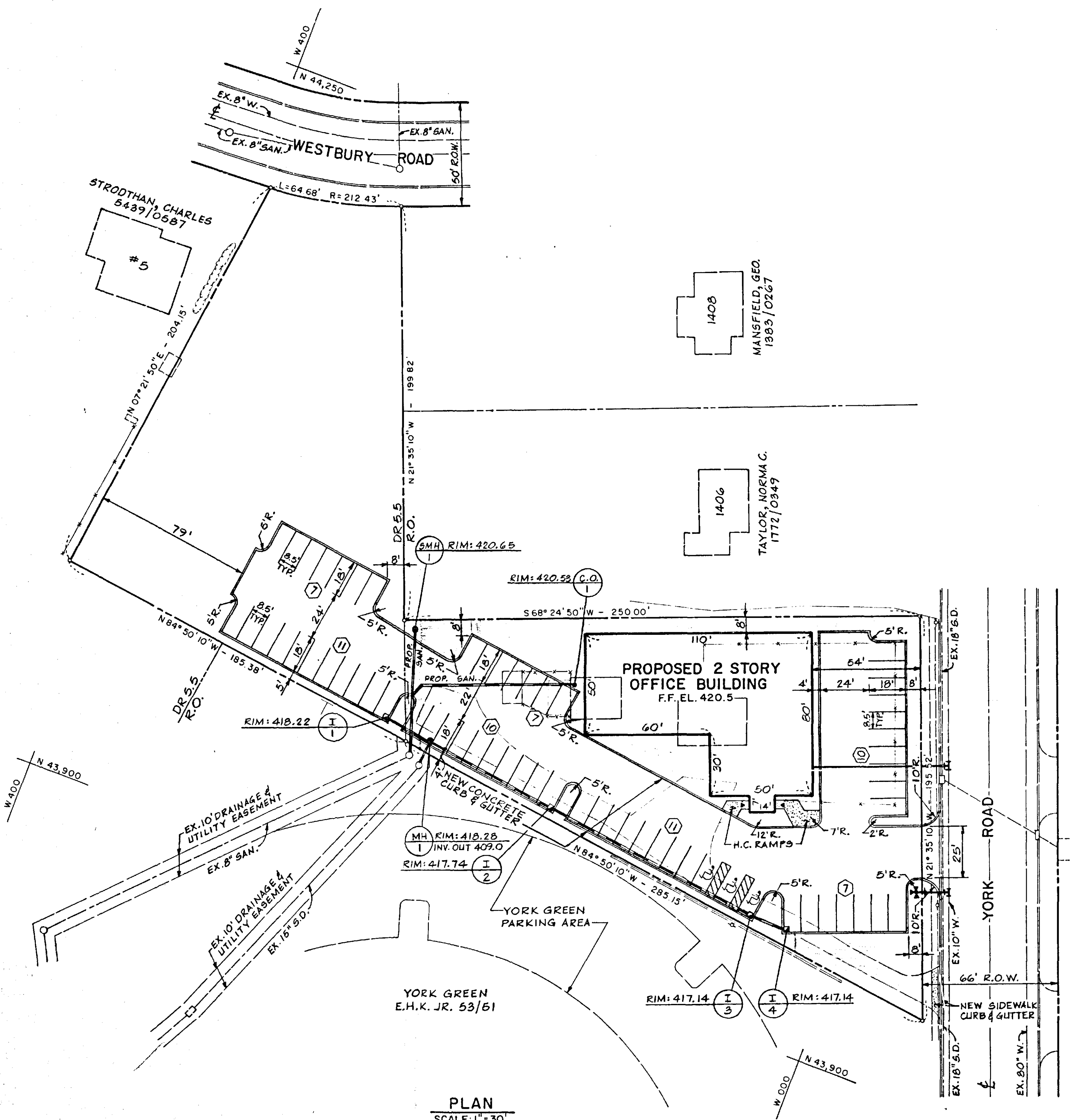
VICINITY MAP
SCALE 1" = 2000'

LEGEND:

ALLOWABLE AMENITY OPEN SPACE
NON-ALLOWABLE AMENITY OPEN SPACE

CALCULATIONS (RO ONLY)

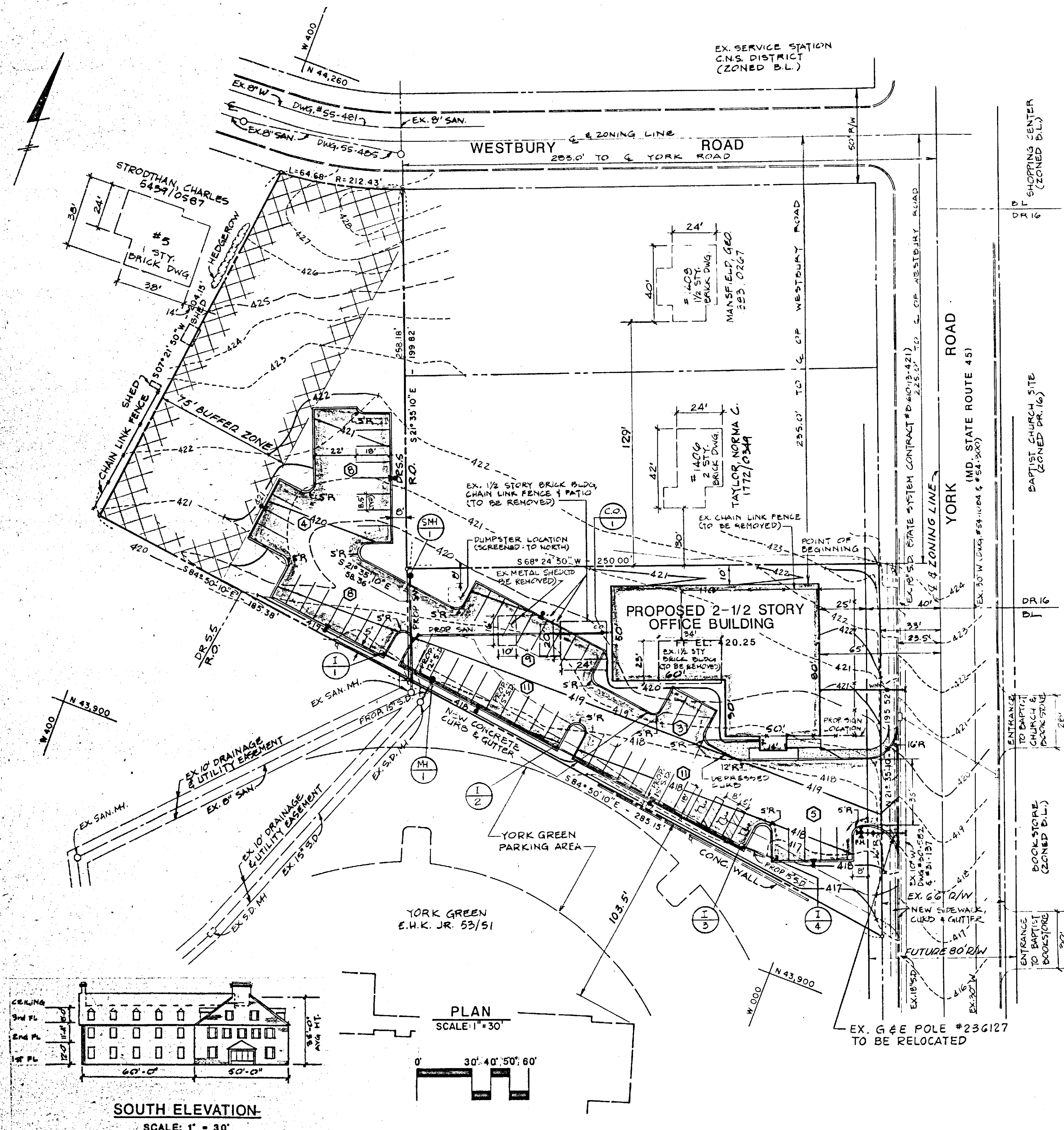
ALLOWABLE AMENITY OPEN SPACE 3900.5 SF
ADJ. GROSS FLOOR AREA 14098 SF
3900.5 / 14098 = 41.85% (24.2%)



PLAN
SCALE 1" = 30'

87-180-X SPHA

OWNER:	APPLICANT:	PROJECT:	HITNEY CONSULTING ENGINEERS AILEY 1850 York Road OX Timonium Md. 21093 MAGNANI 301-252-6060	BY NO. REVISION DATE DATE: JOB NO.
<div>#71</div> <div>DORIS A. HEAVER SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501</div>	HEAVER PROPERTIES SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501	2 STORY OFFICE BUILDING AMENITY OPEN SPACE WORKSHEET	DESIGNED: B.C.L. DRAWN: R.G. CHECKED: DATE: SCALE: 1"= 30' W.B.C.M. NO. 85073	DRAWING NO.



GENERAL SITE DATA

- GROSS SITE AREA: 1.53 ACRES. NET SITE AREA: 1.35 ACRES
- DEED REFERENCE: DORIS A. HEAVER, 6024/492-494 & 6112/719
- PROPERTY NUMBER: 09-18-00011195, 09-18-00011196, 09-05-000900
- ZONING: RQ-72 ACRE (NET), .88 ACRE (GROSS); DR 5.5-.63 ACRE (NET)
- ELECTION DISTRICT: 9TH
- COUNCILMANIC DISTRICT: 4TH
- CENSUS TRACT: 4088
- WATERSHED: 24
- SUBSEWERSHED: 57
- AVERAGE DAILY (ADT): 17,780 X 12.30/1000 SF = 218.7
- PROPOSED CLASS 'B' OFFICE BUILDING
- AVERAGE HEIGHT: 35 FEET
- MAXIMUM NUMBER OF EMPLOYEES: 30-60
- PROPERTY SERVED BY MTA BUS ROUTES: WEEKDAYS: 88, 9, 18 & 26; WEEKENDS: 9
- OPEN SPACE DATA:
 - AMENITY OPEN SPACE REQUIRED: 25%
 - AMENITY OPEN SPACE PROVIDED: 32670 SF - NET SITE AREA
 - AMENITY OPEN SPACE PROVIDED: 22233 SF - TOTAL BLDG./PAVING/NON-ALLOWABLE AREA
 - 9312 SF - TOTAL AMENITY OPEN SPACE

AMENITY OPEN SPACE RATIO: 9312SF/17,780 SF = 52.4%

DR 5.5 ZONE:
NOT APPLICABLE. NO PROPOSED BUILDING IN DR 5.5 ZONE

PARKING SPACE DATA:

PARKING REQUIRED - CLASS 'B' OFFICE BUILDING

7000 SF OF 1ST FL. @ 1 SPACE/300 SF = 23
7000 SF OF 2ND FL. @ 1 SPACE/300 SF = 23
3780 SF OF 3RD FL. @ 1 SPACE/300 SF = 12
TOTAL REQUIRED (INCL. 3 HC SPACES) = 45

PARKING PROVIDED - MEDICAL OR DENTAL OFFICE BUILDING

7000 SF OF 1ST FL. @ 1 SPACE/300 SF = 23
7000 SF OF 2ND FL. @ 1 SPACE/300 SF = 23
3780 SF OF 3RD FL. @ 1 SPACE/300 SF = 12
TOTAL REQUIRED (INCL. 3 HC SPACES) = 59

PARKING PROVIDED:

STANDARD SPACES (8.5' X 18')	36	R.O.	DR 5.5
HANDICAP SPACES (12' X 18')	3	36	20
	39	+	20 = 59

FLOOR AREA RATIO:

FLOOR AREA RATIO ALLOWED: .50 X .88 AC. = .44 AC. = 19166A SF

FLOOR AREA RATIO PROPOSED: TOTAL ADJ. GROSS FLOOR AREA/GROSS SITE AREA: 17,780/38535 = 46.1%

LANDSCAPE PLANTING DATA:

PLANTING REQUIRED:

265 LF OF ROAD @ A TREE/40LF	7 TREES
59 PARKING SPACES @ 1 TREE/12 SPACES	5 TREES
TOTAL TREES REQUIRED	12 TREES

SPECIAL VARIANCE:

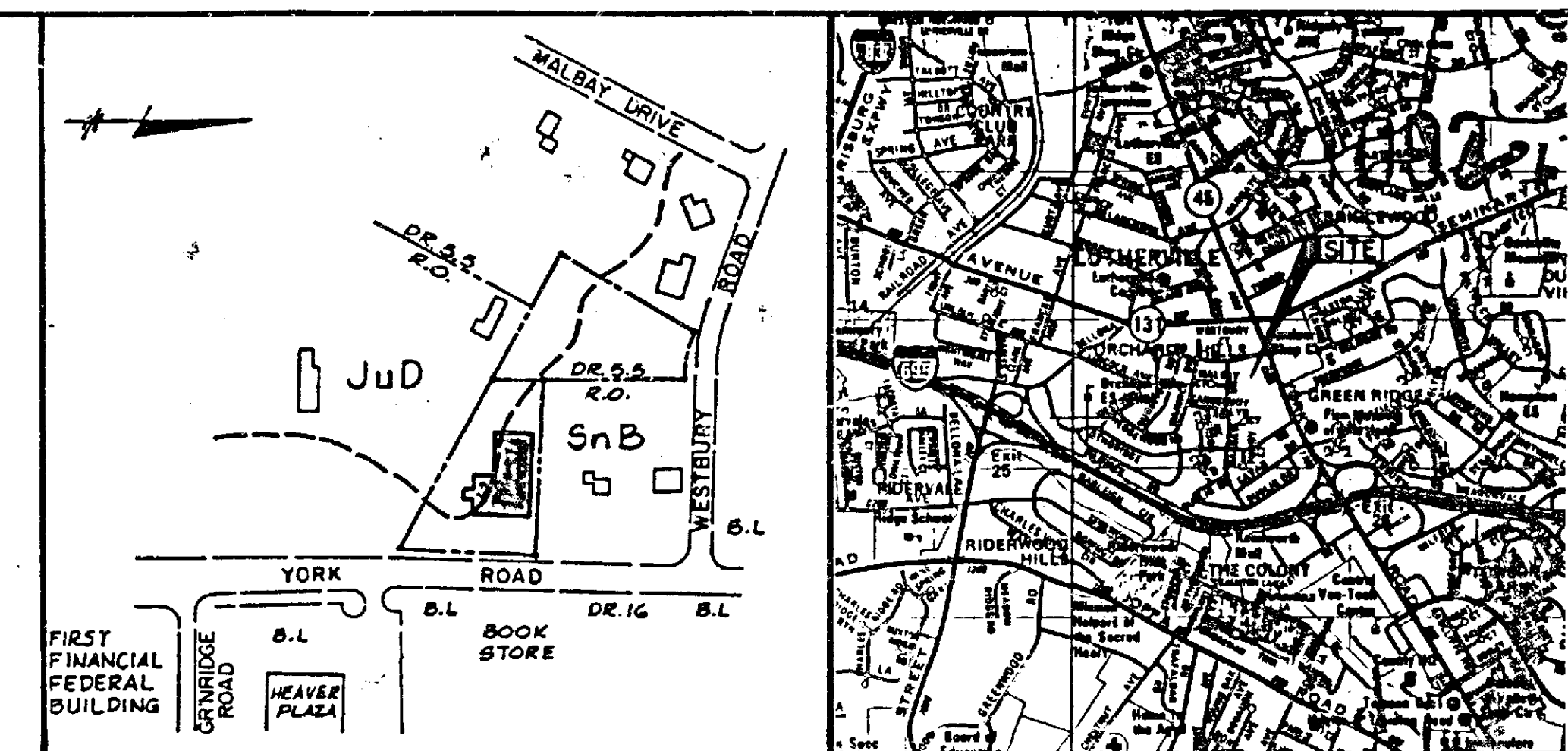
A DOUBLE-FACED, FREE-STANDING ILLUMINATED SIGN CONTAINING 24.75 SF IN LIEU OF REQUIRED 8 SF ATTACHED TO BUILDING 203.3(C).

SPECIAL HEARING:

OFFICE PARKING IN RESIDENTIAL ZONE - 409.4

SPECIAL EXCEPTION:

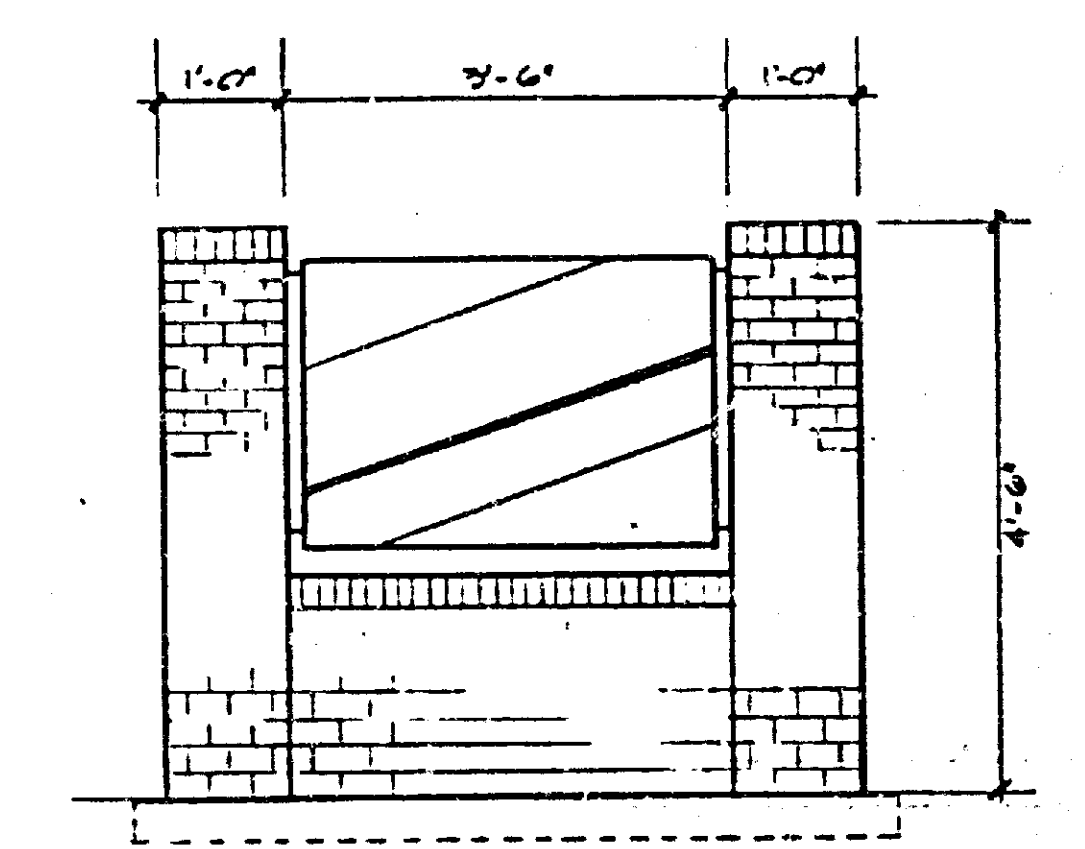
CLASS B OFFICE IN R-Q ZONE-203.3(B)(2)



LEGEND	EXISTING	PROPOSED
BUILDING		
BITUMINOUS PAVING		
CONCRETE PAVING		
CURB & GUTTER		
CONTOURS	418	418
STORM DRAIN		
SANITARY SEWER		
WATER		
FENCE		
LIGHT		
POWER POLE		

GENERAL NOTES:

- BENCH MARK: BALTIMORE COUNTY HUB NO. 11224 'A'. ELEVATION 401.692
- THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, WETLANDS, ENDANGERED SPECIES HABITATS, HAZARDOUS MATERIAL SITES, OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON THIS PLAN.
- ALL DISTURBED AREAS WHICH ARE NOT PAVED OR PLANTED IN ACCORDANCE WITH THE PLANTING PLAN SHALL BE SEEDED AND MULCHED.
- ON SITE CURBS SHALL BE COMBINATION CURB AND GUTTER IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD D.21.
- BITUMINOUS PAVING SHALL CONSIST OF:
 - 1-1/2" BIT. CONC. SURFACE COURSE, BAND "SN"
 - 1-1/2" BIT. CONC. BASE COURSE, BAND "SN"
 - 6" STONE SUB-BASE - (R46) (ASTM D2940-GA/SB)



OWNER: DORIS A. HEAVER SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501	APPLICANT: HEAVER PROPERTIES SUITE 707, HEAVER PLAZA 1301 YORK ROAD LUTHERVILLE, MD. 21093 301-321-7501	PROJECT: 2 1/2 STORY OFFICE BUILDING (PLAT TO ACCOMPANY PETITION FOR ZONING HEARING)	WHITNEY CONSULTING ENGINEERS MAILEY OX MAGNANI 1850 York Road Timonium Md. 21093 301-252-6060 DESIGNED: B.C.L. DRAWN: B.C.L. CHECKED: B.D.J. DATE: 10-22-86 SCALE: 1" = 30' WBCM NO 86073	BY NO REVISION DATE DATE JOB NO. DRAWING NO. 2P-1
---	---	--	---	--

STEPHEN G. HEAVER
Proprietor

HEAVER PROPERTIES

Commercial Real Estate
SUITE 707 - HEAVER PLAZA
1301 YORK ROAD, LUTHERVILLE, MD. 21093
Telephone (301) 321-7501

April 14, 1987

Office of Planning - Room 107
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Gary Kerns

Ref: 1402 York Road
Parking Revision
CRG # 86322

Dear Gary,

As per our phone conversation today, please find enclosed 2 prints marked "Parking Revision" and dated April 1, 1987. These prints show the addition of eleven more parking spaces (numbered 1-11), the revised amenity open space and the revised notes displayed over the approved CRG notes for your comparison.

While increasing the number of parking spaces, we have decreased the amenity open space from 27% to 26%, still in excess of zoning requirements. We have increased the required number of trees to 13 due to the increase in spaces, however our planned 37 trees will still generously handle this need.

As we have mentioned, our tenant for this building, O'Connor, Piper & Flynn, has just requested that we increase the number of parking spaces to the maximum possible. You will note spaces 1-5 to the rear of the parcel; these shall be for the exclusive use of their employees who remain in their offices all day and are shown at the tenant's specific request.

We are sorry to request this change at the last minute, but we hope you will understand our situation with the tenant. We trust that you will find the changes within the scope of the plans approved on January 14, 1987, and that we will be able to proceed with the additional parking plan for the tenant. As soon as you have approved these prints, we shall approach the Orchard Hills Community Association for their approval as well.

If you would like us to meet with you or if you need additional information, please feel free to call. We appreciate your prompt attention to this matter.

Yours truly,

Allan B. Heaver
Allan B. Heaver

ABH/jm
Enclosures

Mr. A. Jablon
Page 2
November 14, 1986

or letter of credit must be in an amount of at least one hundred and fifty percent (150%) of the actual entrance construction cost and in an even thousand dollar increment.

The permittee is responsible for the necessary relocation of all utilities (under permit issued by appropriate agencies) prior to construction of pavement stipulated under subject permit. The S.H.A. is not responsible for utility adjustments or relocation.

Prior to the issuance of an entrance permit from this office, the applicant will be required to submit one of the following:

- A copy of a letter of authorization covering the cost of relocation from you to the Utility Company, said authorization must be approved and signed by the Utility Company, OR
- A letter from the Utility Company indicating their acceptance of the responsibilities, (physical and financial) for relocation of the affected utilities.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 13, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS

Chairman
MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Hurst R. Hessey, Esquire
1311 Fidelity Building
Baltimore, Maryland 21201

RE: Item No. 71 - Case No. 87-180-KSPHA
Petitioner: Doris A. Heaver
Petitions for Zoning Variance,
Special Hearing and Special Exception

Dear Mr. Hessey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Allan B. Heaver
1301 York Road, Suite 707
Lutherville, Maryland 21093

Whitney, Bailey, Fox & Magnani
1850 York Road
Timonium, Maryland 21093

Mr. A. Jablon
Page 2
September 3, 1986

afford motorist the option of making all turning movements at the site in an unrestricted manner.

All concrete curb and gutter construction parallel to York Road must be State Highway Administration Type "A" concrete curb.

We strongly recommend the developer investigate the possibility of a in-common access with #1406 York Road, if development is contemplated at the adjoining site in the near future.

It is requested the site plan be revised prior to a hearing date being set.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

Maryland Department of Transportation

State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

November 14, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Baltimore County
Item #71 (revised plan)
Property Owner: Doris A. Heaver
Location: S/S Westbury Rd
283' west of centerline of York Road, W/S York Road
Maryland Route 45
225' south of centerline Westbury Rd.
Existing Zoning: D.R. 5.5 (special exception & var.)
Proposed Zoning: Spec. exception for the construction of a Class B Office Building
Special exception to approve a use permit for business parking in a residential zone
Variance to permit a double faced, free-standing illuminated sign containing 49.5 sq. ft. in lieu of the req. 8 sq. ft. sign attached to the building
Acres: 0.63 acres (D.R. 5.5)
and 0.73 acres (R.O.)
District: 9th

Dear Mr. Jablon:

On review of the revised submittal of 11/3/86 showing a proposed 35' entrance and 16' radii, the State Highway Administration finds the plan generally acceptable.

All commercial access to the site must be through S.H.A. Access Permit with the posting of a bond or letter of credit to cover the cost of construction. The bond

Continued

RECEIVED
NOV 19 1986

My telephone number is 301-333-1350

363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

October 3, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 81, 82, 83, 84, and 85.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

27-120-1 SPH
10-21-86



Maryland Department of Transportation

State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

September 4, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Baltimore County
Item # 71
Property Owner: Doris A. Heaver
Location: S/S Westbury Rd
283' W of centerline of York Road, W/S York Road (Route 45) 225' S of centerline of Westbury Rd.
Existing Zoning: D.R. 5.5 (special exception and variance)
Proposed Zoning: Special Exception for the construction of a Class B Office Building
Special Exception to approve a use permit for business parking in a residential zone
Variance to permit a double faced, freestanding illuminated sign containing 49.5 sq. ft. in lieu of the required 8 sq. ft. sign attached to the building
Acres 0.63 acres (D.R. 5.5) and 0.73 acres (R.O.)
District: 9th

Dear Mr. Jablon:

On review of the submittal of 8/15/86 and review of our files, the State Highway Administration will require the site plan to be revised.

The proposed entrance must be 35' in width and a minimum 10' radii established on York Road. This will

Continued

RECEIVED
SEP 9 1986

ZONING OFFICE

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERDER
DIRECTOR

SEPTEMBER 25, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of SEPTEMBER 2, 1986
Item # 71
Property Owner: DORIS A. HEAVER
Location: S/S WESTBURY RD. 283' W. OF YORK RD. W/S YORK RD. 225' S OF E OF WESTBURY RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-90 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on
- (X) Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- () The property is located in a traffic area controlled by a "u" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

cc: James Hoswell

David Fields, Acting Chief
Current Planning and Development

WFO 2 4/86